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1	Boar	d of Forestry and Fire Protection	
2	"Working Forest Management Plan"		
3	Title 14 of the	Title 14 of the California Code of Regulations (14 CCR),	
4	Division 1.5, Chapter 4, S	ubchapter 1, Article 1; Subchapters 4, 5 & 6, Article 6;	
5	Subcha	apter 7, Articles 6.5 and 6.95	
6	MGMT (	Committee Workshop 03/27/15	
7	Amend:		
8	§ 895.1	Definitions	
9	§ 916.5 [936.5, 956.5]	Procedures for Determining Watercourse and Lake	
10		Protection Zone (WLPZ) Widths and Protective	
11		Measures	
12	§ 1090.26	Change of <del>Ownership</del> - <u>Timberland Owner(s)</u>	
13			
14	Adopt:		
15	§ 1090.28	State Restoration Projects	
16	Article 6.95	Working Forest Management Plan Administration	
17	1094	Rule Application	
18	<u>§ 1094.1</u>	Working Forest Management Plan and Working Forest	
19		Harvest Notice Filing Locations	
20	§ 1094.2	<u>Definitions</u>	
21	§ 1094.3	WFMP Submittal and Notice of Preparation	
22	§ 1094.4	Notice of Preparation-Distribution by the Director	
23	<u>§ 1094.5</u>	Request for Notification of WFMP or Working Forest	
24		Harvest Notice Submission	
25	<u>§ 1094.6</u>	Contents of WFMP	
	I		

Comment [WU1]:
Comment L15-1 – Add WFMP to Definitions.
processes

1	<u>§ 1094.7</u>	Working Forest Harvest Notice
2	§ 1094.8	Working Forest Harvest Notice Content
3	<u>§ 1094.9</u>	WFMP Professional Judgment
4	<u>§ 1094.10</u>	Plan Submitter(s) Responsibility
5	§ 1094.11	Registered Professional Foresters Responsibility
6	§ 1094.12	Interaction Between RPF and LTO on Working Forest
7		Harvest Notice
8	§ 1094.13	Licensed Timber Operator Responsibilities
9	§ 1094.14	Notification of Commencement of Operations
10	§ 1094.15	Notice of WFMP Filing
11	§ 1094.16	Agency and Public Review of the WFMP
12	<u>§ 1094.17</u>	Director's Determination
13	<u>§ 1094.18</u>	Review Teams to be Established to Review WFMP
14	<u>§ 1094.19</u>	Nonconformance of WFMP
15	<u>§ 1094.20</u>	Conformance of WFMP
16	<u>§ 1094.21</u>	Notice of Conformance of WFMP
17	<u>§ 1094.22</u>	Public Inspection
18	<u>§ 1094.23</u>	Substantial Deviations
19	<u>§ 1094.24</u>	Report of Minor Deviations
20	<u>§ 1094.25</u>	Report of Completion of Work Described in WFMP;
21		Partial Completion
22	<u>§ 1094.26</u>	Inspection of Completed Work
23	<u>§ 1094.27</u>	Stocking Report and Minimum Stocking Standards
24	<u>§ 1094.28</u>	Inspection of Stocking
25	§ 1094.29	Five (5) Year Review of WFMP

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1	§ 1094.30 Chan	ge of Timberland Owner(s)
2	§ 1094.31 Cance	ellation of Plans
3	§ 1094.32 Trans	ition or Expansion of Plans
4	§ 1094.33 Safe I	Harbor Agreement
5	§ 1094.34 State	Restoration Projects
6	§ 1094.35 South	ern Subdistrict
7		
8	895.1	
9	***** "Plan" means:	
10	(a) Timber Harvesting Plan (THP) a	s described in PRC § 4582.
11	(b) Nonindustrial Timber Manageme	ent Plan (NTMP) as described in PRC <u>§ 4</u> 593.2(e).
12	(c) Program Timber Harvesting Plan (PTHP) as described in 14 CCR §§ 1092 and	
13	1092. <u>0</u> 1.	
14	(d) Working Forest Management Plant	an (WFMP) as described in PRC <mark>§ 4597</mark> .****
15		
16	*****Note: Authority cited: Sections 4551, 4	551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5,
17	4562.7 and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4525.5, 4525.7,	
18	4526, 4551, 4551.5, 4561, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4591.1, <u>4597</u> , 21001(f),	
19	21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed	
20	following Section 15387 of Title 14 Cal. Code of Regulations), Laupheimer v. State (1988) 200	
21	Cal.App.3d 440; 246 Cal.Rptr. 82 and Joy Road Area Forest and Watershed Association v.	
22	California Department of Forestry & Fire Pr	otection, Sonoma County Superior Court No. SCV
23	229850.****	
24 25		

Comment [WU2]: L15-2 – Change to 4597.1

## 916.5 [936.5, 956.5]

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\*\*\*\*\*(e) The letter designations shown in the "Protective Measures and Widths" column in Table I correspond to the following:\*\*\*\*

\*\*\*\*\*\***B"** WLPZ shall be clearly identified on the ground by an RPF or supervised designee, with paint, flagging, or other suitable means, prior to the start of timber operations. In watersheds with listed anadromous salmonids, on the ground identification of the WLPZ shall be completed prior to the preharvest inspection. For all nonindustrial timber management plans and Working Forest Management Plans, sample identification of the WLPZ prior to the preharvest inspection may be allowed. The sample shall be based upon a field examination and be consistent with the applicable provisions of 14 CCR §§ 916.4 [936.4, 956.4] and 916.5 [936.5, 956.5], representing the range of conditions found within the WLPZ. The Director shall determine if the sample identification is adequate for plan evaluation during the preharvest inspection. If sample identification is allowed, the remaining WLPZ shall be identified by an RPF or supervised designee prior to the start of timber operations within or adjacent to the WLPZ. The RPF shall notify the Department when the WLPZ has been identified.\*\*\*\*\* \*\*\*\*\*\*"D" To ensure retention of shade canopy filter strip properties of the WLPZ and the maintenance of a multi-storied stand for protection of values described in 14 CCR § 916.4(b) [936.4(b), 956.4(b)], residual or harvest trees shall be marked, including a base mark below the cut-line within the WLPZ by the RPF, or supervised designee. Outside of watersheds with listed anadromous salmonids, sample marking prior to the preharvest inspection is satisfactory in those cases where the Director determines it is adequate for plan evaluation. When sample marking has been used, the remaining WLPZ shall be marked in advance of falling operations by the RPF, or supervised designee. In watersheds with threatened or impaired values listed anadromous salmonids, trees shall be marked in advance of the preharvest inspection. For all nonindustrial timber management plans and Working Forest Management Plans, sample

marking of the WLPZ prior to the preharvest inspection may be allowed. The sample shall be based upon a field examination and shall be consistent with the applicable provisions of 14 CCR §§ 916.4 [936.4, 956.4] and 916.5 [936.5, 956.5], representing the range of conditions found within the WLPZ. The Director shall determine if the sample mark is adequate for plan evaluation during the preharvest inspection. If sample marking is allowed, the remaining WLPZ shall be marked by an RPF, or supervised designee, prior to the start of timber operations within or adjacent to the WLPZ. The RPF shall notify the Department when the WLPZ has been identified.

"E" To ensure retention of shade canopy filter strip properties of the WLPZ and the maintenance of a multi-storied stand for protection of values described in 14 CCR § 916.4(b) [936.4(b), 956.4(b)], residual or harvest trees shall be marked, including a base mark below the cut line, within the WLPZ by the RPF or supervised designee. Outside of watersheds with listed anadromous salmonids, tree marking shall be done prior to timber falling operations. In watersheds with listed anadromous salmonids, trees shall be marked in advance of the preharvest inspection. For all nonindustrial timber management plans and Working Forest Management Plans, sample marking of the WLPZ prior to the preharvest inspection may be allowed. The sample shall be based upon a field examination and shall be consistent with the applicable provisions of 14 CCR §§ 916.4 [936.4, 956.4] and 916.5 [936.5, 956.5], representing the range of conditions found within the WLPZ. The Director shall determine if the sample mark is adequate for plan evaluation during the preharvest inspection. If sample marking is allowed, the remaining WLPZ shall be marked by an RPF or supervised designee prior to the start of timber operations within or adjacent to the WLPZ. The RPF shall notify the Department when the WLPZ has been identified.\*\*\*\*\*\*

\*\*\*\*\*Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. 1 Reference: Sections 4513, 4551.5, 4597 and 21001(f), Public Resources Code; Sections 100, 2 13000 and 13050(f), Water Code; and 33 USC Section 1288(b)(2)(F).\*\*\*\*\* 3 4 5 1090.26 Change of Ownership Timberland Owner(s) 6 Any change in ownership of land must be reported to the Director by the new landowner within 7 180 days of the date such change is recorded in the county where the property is located. Also, 8 before the passage of title, it shall be responsibility of the seller to notify the purchaser of either 9 the timber or timberland of their responsibility for compliance with the stocking standards of the 10 Act and the rules of the Board. \*\*\*\*\*(a) Upon a change of ownership of the land described in the NTMP, the transferring 11 timberland owner(s) shall provide the acquiring timberland owner(s) with a written Transfer of 12 13 Responsibilities Notice that discloses the existence of the NTMP and informs the acquiring timberland owner(s) of the need to notify the Department of the acquiring timberland owner(s) 14 intent to assume the responsibilities of the NTMP. The transferring timberland owner(s) shall 15 also send the Department a copy of the Transfer of Responsibilities Notice provided to the 16 acquiring timberland owner(s). 17 18 (b) If the transferring timberland owner(s) fails to provide the Notice required in the 14 CCR § 19 1090.26(a) and the Department discovers the change of ownership, the Department shall 20 provide the acquiring timberland owner(s) with the Transfer of Responsibilities Notice. 21 (c) The acquiring timberland owner(s) shall have one (1) year from the date of receipt of the Transfer of Responsibilities Notice pursuant to either 14 CCR § 1090.26(a) or 14 CCR § 22 23 1090.26(b), whichever is applicable, to notify the Department in writing of their intent to assume 24 the responsibilities of the NTMP. If the Department does not receive notification within this period, the Department may cancel the NTMP. 25

1	(d) A violation of this section by a timberland owner(s) does not constitute a crime pursuant to
2	PRC § 4601.
3	(e) After a plan is found in conformance with the rules and regulations of the Board, the Director
4	may file a Notice of Stocking Requirements on the property with the recorder of the county
5	within which the plan is located if any area logged under a Notice of Timber Operations has not
6	had a report of satisfactory stocking issued by the Director.
7	
8	Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13, Sections 4551 and 4593.10, Public
9	Resources Code. Reference: Sections 4593, 4593.4 and 4593.10, Public Resources Code.*****
10	
11	1090.28 State Restoration Projects
12	*****Notwithstanding any other law, if a person with a NTMP applies for state restoration grant
13	funding for a restoration project that has a significant public benefit, the application shall not be
14	summarily denied on the basis that the project is a required condition of the harvesting plan.
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16	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
17	Reference: Section 4593.19, Public Resources Code.*****
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Comment [WU3]: Comment 15-4 –Do not adopt.

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3	1094 Rule Application	
4	*****Where the abbreviation THP, the term Timber Harvesting Plan, or the word plan is used in	
5	Chapter 4, Subchapters 1 through 6 and Chapter 4.5 it shall also mean Working Forest	
6	Management Plan as specified in PRC § 4597 et seq. In Subchapter 7 this equivalency will	
7	occur for all sections except 1032.7 through 1042 that are not referenced in this Article, or as	
8	otherwise specified.	
9		
10	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.	
11	Reference: Section 4597, Public Resources Code.	
12		
13	1094.1 Working Forest Management Plan and Working Forest Harvest Notice Filing	
14	Locations	
15	The Working Forest Management Plan (WFMP) or Working Forest Harvest Notice for proposed	
16	timber operations, pursuant to PRC § 4597 et seq., shall be submitted in writing to the Director	
17	at the appropriate CAL FIRE Review Team Office having jurisdiction for the timber operations,	
18	and shall contain the information specified in 14 CCR §§ 1094.6 and 1094.8.	Comment [WU4]: Comment L15-5; compare to 1090.1; Recommend language.
19		language.
20	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.	
21	Reference: Section 4597.2, Public Resources Code.	
22		

Article 6.95 Working Forest Management Plan Administration

1	1094.2 Definitions
2	The following definitions apply to this article:
3	(a) "Designated Agent" means a person granted sole authority by the Working Forest
4	Landowner(s), of a submitted or approved WFMP, to act on behalf of the plan submitter(s).
5	(b) "Late Succession Forest Stands", pursuant to PRC § 4597.2(g)(3), means stands of
6	dominant and predominant trees that meet the criteria of the California Wildlife Habitat
7	Relationships System class 5D, 5M, or 6 with an open, moderate, or dense canopy closure
8	classification, often with multiple canopy layers, and are at least ten (10) acres in size.
9	Functional characteristics of late succession forest stands include large decadent trees, snags,
10	and large down logs.
11	(c) "Long Term Sustained Yield (LTSY)", pursuant to PRC § 4597.1(a), means the average
12	annual growth sustainable by the inventory predicted at the end of a 100-year planning horizon,
13	or a shorter planning horizon if the forest encompassed by the WFMP has reached a balance
14	between growth and yield.
15	(d) "Major Stand Type", pursuant to PRC § 4597.1(b), means a stand that occupies an area
16	equal to or greater than 25 percent of a WFMP.
17	(e) "Management Unit", pursuant to PRC § 4597.1(c), means a geographically identifiable area
18	delineated for silviculture or management purposes. A Management Unit is intended to reflect
19	an area scheduled for harvest under the plan in any given year, but may also be designated to
20	address specific resource sensitivities.
21	(f) "Stand", pursuant to PRC § 4597.1(d), means a geographically identifiable group of trees
22	sufficiently uniform in age-class distribution, composition, and structure and growing on a site of
23	sufficiently uniform quality to be a distinguishable unit.

Comment [WU5]:
Comment L15-6; language provided

(g) "Strata", pursuant to PRC § 4597.1(e), means a grouping of similar Stands defined for 1 2 silvicultural or management purposes, usually according to similarities in stand composition, 3 structure, and age. (h) "Sustained Yield", pursuant to PRC § 4597.1(f), means the yield of commercial wood that an 4 5 area of commercial timberland can produce continuously at a given intensity of management 6 consistent with required environmental protection and that is professionally planned to achieve 7 over time a balance between growth and removal. Sustained Yield management implies 8 continuous production planned so as to achieve, at the earliest practical time, a balance 9 between growth and harvest. (i) "Unevenaged Management", pursuant to PRC § 4597.1(g), means forest management with 10 11 the goal of establishing a well-stocked stand of various age classes, which permits the periodic harvest of individual or small groups of trees to achieve Sustained Yield objectives of the 12 13 WFMP, and provide for regeneration of trees and maintenance of age class structure. (j) "Working Forest Harvest Notice", pursuant to PRC § 4597.1(h), means notice of timber 14 harvest operations, pursuant to an approved WFMP, which meets the requirements of PRC § 15 4597.11 and 14 CCR § 1094.8. 16 17 (k) "Working Forest Landowner", pursuant to PRC § 4597.1(i), means an owner of timberland 18 with less than 15,000 acres of timberland who has an approved WFMP and is not primarily 19 engaged in the manufacture of forest products. (I) "Working Forest Management Plan (WFMP)", pursuant to PRC § 4597.1(j), means a 20 21 management plan for Working Forest Timberlands, with objectives of maintaining, restoring, or creating Unevenaged Managed timber stand conditions, achieving Sustained Yield, and 22 23 promoting forestland stewardship that protects watersheds, fisheries and wildlife habitats, and 24 other important values. Other important values include maintained forest ecosystem processes and services. A WFMP shall be less than 15,000 acres of timberland. 25

1	(m) "Working Forest Timberlands", pursuant to PRC § 4597.1(k), means timberlands owned by
2	a Working Forest Landowner(s).
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4	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
5	Reference: Sections 4597.1 and 4597.2, Public Resources Code.
6	
7	1094.3 WFMP Submittal and Notice of Preparation
8	A WFMP may be submitted to the Department in writing by a person who intends to become a
9	Working Forest Landowner(s) with the long-term objectives of promoting forestland stewardship,
10	uneven aged timber stand(s) and sustained yield through the implementation of a WFMP. The
11	WFMP shall be prepared by a RPF, shall be public record, shall include all of the specified
12	information pursuant to 14 CCR §1094.6 and the following conditions shall be met:
13	(a) A plan shall be submitted by the person(s) who owns the timberland included in the plan.
14	(b) Where the timber is owned by parties other than the timberland owner(s), the timberland
15	owner(s) shall give prompt written notice of such plan to those parties.
16	(c) The plan submitter(s) shall prepare and submit to the Director, with the plan, a Notice of
17	Preparation to Harvest Timber (Notice of Preparation) if:
18	(1) Any proposed plan boundary lies within 300 ft. of any property owned by any person
19	other than the plan submitter, or
20	(2) Any deviation changes a plan boundary so that the new boundary lies within 300 ft.
21	of any property owned by any person other than the plan submitter(s), or
22	(3) Any deviation changes the silvicultural method if a Notice of Preparation was
23	required for the plan by conditions (1) or (2) above.
24	(d) A Notice of Preparation shall include the following information:
25	(1) The name(s) of the plan submitter(s) or Designated Agent.

Comment [WU6]:
Comment L15-7; Also refer to 1094.29(e) on page 47 of plead.

Comment [WU7]: Comment L15-8; See 4582.2 for legislative authority of Plan Submitter.

1	(2) The location of the plan area by county, section, township, and range, and the
2	approximate direction and distance to the plan area from the nearest community or well-known
3	landmark.
4	(3) The name of the nearest perennial blue line stream flowing through or downstream
5	from the plan area.
6	(4) The acreage of the WFMP area and the acreage of the Working Forest Timberlands
7	within which timber operations under the WFMP are to be conducted.
8	(5) The silvicultural method(s) proposed.
9	(6) The estimated earliest date that the Director may approve the plan as has been
10	indicated in the WFMP instructions as specified in 14 CCR § 1094.17.
11	(7) A statement that the public may review the plan at the specified CAL FIRE Review
12	Team Office and a reasonable per page copy fee may be set by the Director for additional
13	copies.
14	(e) The person(s) submitting the plan shall furnish to the Department at the time of submission
15	of the plan, a list of all persons, including their mailing addresses, who hold legal or equitable
16	title to property within 300 ft. of the plan boundary. Either a list compiled from the latest
17	equalized assessment roll or a list provided by a title insurance company doing business in
18	California shall be deemed sufficient for compliance with the subsection.
19	(f) The Department shall mail copies of the Notice of Preparation within two (2) working days of
20	receipt of the plan to all persons identified in (e) above.
21	(g) Prior to plan submission, the person submitting the plan shall post a copy of the Notice of
22	Preparation at a conspicuous location that is easily visible to the public and near the plan site.
23	Notwithstanding other Board rules and regulations, the notices required by 14 CCR § 1032.10
24	shall be completed prior to submission of the WFMP, and within counties with special rules, (14
25	CCR Subchapter 4, Article 13 and Subchapter 6, Article 13) the noticing requirements will be

Comment [WU8]: Comment L15-9; language offered.

1	the same as for a THP.
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3	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
4	Reference: Sections 4597.2 and 4597.3, Public Resources Code.
5	
6	1094.4 Notice of Preparation-Distribution by Director
7	The Director shall distribute copies of each Notice of Preparation within two (2) working days of
8	receipt to:
9	(a) The Office of the County Clerk, of the county(s) in which operations are proposed, for
10	posting at the customary place for posting environmental affairs.
11	(b) The local Unit headquarters for posting.
12	(c) At such other locations as the Director may deem desirable and feasible to provide adequate
13	public notice.
14	(d) Any additional distribution of the Notice of Preparation required by the Board rules and
15	regulations for individual counties.
16	(e) A publically available internet database.
17	
18	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
19	Reference: Section 4597.3, Public Resources Code.
20	
21	1094.5 Request for Notification of WFMP or Working Forest Harvest Notice Submission
22	(a) Each applicable CAL FIRE Review Team Office shall maintain a list of WFMPs or Working
23	Forest Harvest Notice(s) submitted each day.
24	(b) When any person requests a notice of submission of a WFMP, the Director shall provide the
25	nerson, free of charge, with a copy of the list of WEMPs or Working Forest Harvest Notice(s)

2 the preceding week shall be provided. 3 Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. 4 5 Reference: Sections 4597.4 and 21092, Public Resources Code. 6 1094.6 Contents of WFMP 7 The WFMP shall serve three functions: 1) to provide information the Director needs to 8 9 determine whether the proposed WFMP conforms to the Board rules and regulations; 2) to 10 provide information and direction for timber management so it complies with the Board rules and regulations and the management objectives of the landowner(s); and 3) to disclose the potential 11 effects of timber management to the public. For the WFMP to serve these functions, it shall, at a 12 13 minimum, contain the following information: (a) Name, address and telephone number of the timberland owner(s) and Designated Agent. 14 (b) Name, address, and telephone number of the timber owner(s) (if different). 15 (c) Name, address, telephone number, and registration number of RPF who prepared the plan. 16 (d) A United States Geological Survey quadrangle map or equivalent, of a scale not less than 2" 17 18 per mile, indicating the location of all streams, the location of all proposed and existing logging 19 truck roads. In addition this map(s) shall include: (1) Boundaries of WFMP Management Unit(s). Boundaries of Management Units shall 20 21 not exceed a single ownership which may include, but is not limited to, entities comprised as a 22 single ownership of divided interest, natural-persons with undivided interests, or a legally 23 established artificial-person (such as limited liability companies, corporations, partnerships, or

submitted on the date or dates requested. If no specific date is requested, a copy of the lists for

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trusts).

Comment [WU9]:

Comment L10-8 Include table of contents

Comment [WU10]:

Comment L15-10 Designated Agent as own regulatory standard.

Comment [WU11]:

Comment L15-11

Comment [WU12]: Comment L15-12; language

(2) Boundaries of yarding (logging) systems, if more than one (1) system is to be used.

1	(3) Location of public roads within the plan area, and private roads appurtenant to the
2	timber operations where such roads are under the ownership or control of the timberland
3	owner(s) and are contiguous with the plan area, and classification of all proposed and existing
4	logging roads as permanent, seasonal, or temporary roads.
5	(4) Location of proposed and existing landings in the watercourse and lake protection
6	zone, and landings outside the zone that are greater than 1/4 acre in size or whose construction
7	involves substantial excavation.
8	(5) Location of area(s) of low, moderate, high or extreme erosion hazard ratings.
9	(6) Location of all lakes and watercourses with Class I, II, III, or IV waters.
10	(7) Location of known unstable areas or slides.
11	(8) Location of understocked areas and other areas not normally bearing timber to at
12	least a 20-acre minimum, or as specified in the district rules.
13	(9) Location of boundaries of timber-site classes needed for determination of stocking
14	standards to be applied.
15	(10) The locations and classifications of <mark>roads</mark> , watercourse crossings, and landings to
16	be abandoned shall be shown.
17	(11) A soils map where available.
18	(12) Late Successional Forest Stands or Strata
19	(13) Location of unique areas including Coastal Commission Special Treatment Areas or
20	other special treatment areas and known locations of state or federally listed threatened.
21	candidate, and endangered species; rare plants; Sensitive Species pursuant to 14 CCR §
22	895.1; and species that meet the criteria under 14 CCR § 15380(d).
23	(14) Location of all existing and proposed permanent watercourse crossing drainage
24	structures, and temporary crossings on Class I and II watercourses on roads.
25	(15) Locations of road failures on existing roads to be reconstructed.

Comment [WU13]: Comment L16-Specific 4; language offered

Comment [WU14]:
Comment L16-Specific 5; language offered.

Comment [WU15]:
Comment L16-Specific 6; language offered.

Comment [WU16]:
Comments L6-6, this shows up in several identified locations as well as unidentified locations by CLFA.
Comment L18 -10.

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1	(16) Locations of active erosion control sites.	
2	(17) Location of active erosion sites pursuant 14 CCR § 1094.6(i).	
3	(e) A description of the plan area within which timber operations are to be conducted, except as	
4	otherwise specified. The description shall include the following:	
5	(1) Township, range, and section number(s) and approximate plan acreage.	
6	(2) County name(s).	
7	(3) CALWATER v2.2 planning watershed number(s).	
8	(4) The forest district and subdistrict (if any) in which the WFMP is located.	
9	(5) A description of present and proposed plan area uses other than timber production.	
10	(f) A description by the RPF of the inventory design and standards which, at a minimum, shall	
11	include:	
12	(1) The baseline conditions found on the WFMP including the future conditions and	
13	planning horizon associated with the estimate of LTSY.	
14	(2) Describe the design of inventory plots or strips, cruise lines and reference points	
15	between plots or strips, that are sufficient to facilitate initial review of the WFMP.	
16	(3) The type of projections or models used for projecting growth and yield shall be	
17	appropriate for stand conditions and the period of time necessary to estimate achievement of	
18	LTSY.	
19	(g) A description of the inventory design and timber stand stratification criteria that demonstrates	
20	that the inventory supporting the growth and yield calculations used to determine LTSY by	
21	volume for the WFMPs meets the following minimum standards:	
22	(1) For Major Stand(s) or Strata, the inventory estimate shall be within 15 percent of the	
23	mean at one (1) standard error.	
24	(2) For Stand(s) or Strata that make up greater than 10 percent and less than 25 percent	

Comment [WU17]: Comment L16- Specific 7 - 11; language offered for a new subparagraphs (18) – (22).

# Comment [TB18]: Comment L9-11

# Comment [TB19]: Comment L9-15

Comment [WU20]: Comment L15-13; Scriber and cu. foot.

of the WFMP area, the estimate shall be no greater than 25 percent of the mean at one (1)

standard error.

1 2 (3) Inventory estimates and growth and yield shall be projected for the purposes of determining LTSY and volumes available for harvest by Stand or Strata and aggregated for the 3 4 area covered by the WFMP to develop the LTSY estimate. LTSY estimates shall reasonably 5 reflect constraints applicable to the Working Forest Timberlands on forest management 6 activities. Reasonable constraints shall include biologic and economic factors, while accounting for limits on productivity due to constraints imposed from consideration of other forest values, 7 including but not limited to, recreation, watershed, wildlife, range and forage, fisheries, regional 8 9 economic activity, employment and aesthetic enjoyment. 10 (h) A description of the property and planned activities including acres and projected growth, existing stand types, Major Stand Types or Strata, its current projected growth by Strata, 11 silvicultural method(s) to be applied to Strata to achieve LTSY, projected timber volumes and 12 13 tree sizes to be available for harvest, and projected frequencies of harvest. 14

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(1) Silvicultural method(s) to be applied during the initial harvest(s), projected future harvest(s) and method(s) used in the projected growth and yield to achieve LTSY. (i) A description and discussion of the methods to be used to avoid significant sediment discharge to watercourses from timber operations. This shall include disclosure of active erosion sites from roads skid trails, crossings, or any other structures or sites that have the potential to discharge sediment attributable to timber operations into waters of the state resulting in significant sediment discharge and violation of water quality requirements. The WFMP shall also include an erosion control implementation plan and a schedule to implement erosion controls that prioritizes significant existing erosion site(s). This subdivision shall not apply to the extent that the RPF provides documentation to the Department that the WFMP is in compliance with similar requirements of other applicable provisions of law.

Comment [WU21]:

Comment L15-15; language offered. Comment I 9-20

Comment [WU22]: Comment L7-1 &2

Comment [WU23]:

Comment L7-3

Comment [WU24]:

Comment L18 -3

Comment [WU25]: Comment L4-5

Comment [TB26]:

Comment L9-25

Comment [WU27]:

Comment L6-6

Comment L18-10

Comment [WU28]: Comments L4-3, 4, and 6.

Comment [WU29]:

Comment L7-5

Comment [WU30]:

Comment L7-4

Comment [TB31]:

Comment L9-26

Comment [WU32]:

Comment L7-6

(j) Special provisions to protect unique areas, if any, within the WFMP area.

(1	II
1	(k) A description of Late Suc
2	hardwoods, in the plan area,
3	of this type of habitat will be r
4	Nothing in this requirement sl
5	acre of an approved plan if th
6	enhances the overall acreage
7	upon initial plan approval. An
8	event of a catastrophic loss d
9	activity. The description shall
10	(1) Retention measure
11	or basal hollows, and down lo
12	appropriate with the forest type
13	management objectives.
14	(2) Hardwood tree spe
15	(I) Disclosure of:
16	(1) State or federally
17	species known locations with
18	habitats, take avoidance met
19	adjacent to the WFMP and ha
20	maintain species and habitats
21	(2) Any known location
22	within the biological assessm
23	(3) Information on the

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(k) A description of Late Succession Forest Stands, including their biological legacies and
nardwoods, in the plan area, their acreage, composition, structure, and how the total acreage
of this type of habitat will be maintained across the plan area under a constraint of no net loss.
Nothing in this requirement shall be interpreted to preclude active management on any given
acre of an approved plan if the management is conducted in a manner that maintains or
enhances the overall acreage of Late Succession Forest Stands that existed in the plan area
upon initial plan approval. An exception to the no net loss constraint may be granted in the
event of a catastrophic loss due to emergency factors such as wildfire, insect, and disease
activity. The description shall include the following:

(1) Retention measures for existing biological legacies such as snags, trees with cavities or basal hollows, and down logs, and address how legacies shall be managed over time as appropriate with the forest type, climate, and timberland owner's forest fire fuels and wildlife management objectives.

(2) Hardwood tree species and how they will be managed over time.

Disclosure of:

(1) State or federally listed threatened, candidate, endangered, or rare plant or animal species known locations within the biological assessment area and the WFMP, their status and nabitats, take avoidance methodologies, enforceable protection measures for species within or adjacent to the WFMP and habitats within the WFMP area, and how forest management will maintain species and habitats over time;

(2) Any known locations of plant or animal species pursuant to 14 CCR § 15380(d) within the biological assessment area and the WFMP;

(3) Information on the presence and known locations of key habitats within the WFMP or individual Sensitive Species pursuant to 14 CCR § 895.1 adjacent to or within the WFMP.

(m) A description of the following for each Management Unit shall contain:

(1) Acres by Stand or Strata and estimated growth and yield for each planned harvest entry covering the period of time the LTSY plan establishes as necessary to meet growth and yield objectives. The growth and yield estimates may be based on weighted average of yield for the Stand Types or Strata within the area included in the Management Unit.

(2) Yarding methods to be used.

(n) For LTSY projections that project a reduction, over 100-year planning horizon or shorter planning horizon until growth and yield are balanced, in quadratic mean diameter of trees greater than 12 inches in diameter or a reduced level of inventory for a Major Stand Type or for a Stand or Strata that make up greater than 10 percent and less than 25 percent of the WFMP area, an assessment shall be included that does all of the following:

(1) Addresses state or federally listed threatened, candidate, and endangered species; rare plants; Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d), that timber operations could adversely impact by potential changes to habitat.

(2) Addresses species habitat needs utilizing the "WHR system" described in "A Guide to Wildlife Habitats in California," California Department of Fish and Wildlife, 1988, herein incorporated by reference, or comparable typing system approved by the Director after consultation with the California Department of Fish and Wildlife.

(3) Addresses constraints to timber management, the impact of the availability and distribution of habitats on the ownership and within the cumulative impacts assessment area identified in the plan in relation to the harvest schedule, and the impacts of the planned management activities utilizing the existing habitat as the baseline for comparison.

(4) Discusses and includes feasible measures planned to avoid or mitigate potentially significant adverse impacts on fish or wildlife, which can include, but is not limited to, recruitment or retention of large down logs greater than 16 inches in diameter and 20 feet in

3 inches in diameter and 16 feet in height. (o) A certification by the RPF preparing the plan that the RPF or the RPF's Supervised 4 5 Designee has personally inspected the plan area and has clearly explained to the Working 6 forest landowner(s) that the plan is a long-term commitment that may require ongoing 7 investments, including inventory sampling and road maintenance, for the purpose of managing 8 the plan. Comment [TB33]: (p) The WFMP shall describe a future schedule of inventory sampling and analysis of LTSY, 9 Comment L9-11 10 which shall consider: (1) Site class, projected growth and yield and harvest(s). 11 (2) Original projections or model calibration and accuracy. 12 13 (3) Episodic events including disease and drought caused tree mortality, windthrow, fire and reforestation. 14 Comment [TB34]: (q) A description of any cultural or historical resources known to exist with a description of 15 Comment L9-30. possible impacts and protection methods to be used during timber operations. 16 (r) Whether a timberland conversion certificate is in effect, its date of expiration, and its 17 18 identification number. 19 (s) Whether a timber harvesting plan is on file with the Department for any part of the plan area and if a Report of Satisfactory Stocking has been issued by the Department (show plan 20 21 number). 22 (t) A description of potential impacts to, and protections for, the quality and beneficial uses of Comment [WU35]: 23 water. Comment L16-Specific 1; language offered 24 (u) A description of how the site preparation standards and stocking standards will be met.

(v) A description of slash treatment for site preparation, fire protection and pest protection

length, retention of trees with structural features such as basal hollows, cavities, large limbs, or

broken tops, retention of hardwoods, and retention or recruitment of snags greater than 24

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2	(w) A description of the cumulative effects analysis with supporting information, including	
3	impact(s) of projected timber operations over the life of the plan.	
4	(x) The Department shall make available a copy of the California Forest Practice Rules in effect	
5	at the time of WFMP approval.	
6	(y) Explanation and justification for, and specific measures to be used for, tractor operations on	
7	unstable areas, on slopes over 65%, and in areas where slopes average over 50% where the	
8	EHR is high or extreme.	
9	(z) Explanation and justification for tractor operations in areas designated for cable yarding.	
10	(aa) Winter period operating plan where appropriate.	/
11	(bb) Explanation and justification for use of landings, roads and skid trails in the protection	/
12	zones of watercourses, marshes, or wet meadows . (cc) Explanation and justification of any in-	
13	lieu or alternative practices for watercourse and lake protection.	
14	(dd) Explanation of alternatives to standard rules for harvesting and erosion control.	
15	(ee) Explanation and justification for landings that exceed the maximum size specified in the	
16	<u>rules.</u>	
17	(ff) A description of soils, surface erosion hazard, mass wasting erosion hazard, and erosion	
18	control measures.	
19	(gg) A description of the existing and proposed road system to be used in implementation of the	/
20	WFMP, including the diameter of any permanent culverts on Class I, II, or III watercourses.	
21	(hh) A description of Lakes, Wet Meadows and Other Wet Areas.	
22	(ii) A RPF may propose, and the Director may approve, a standard operating practice(s) that	
23	could be utilized in site-specific locations during future operations under an approved WFMP.	
24	Standard operating practices are limited to contents pursuant to 14 CCR §§ 1094.6(y) and	
25	<u>1094.6(bb).</u>	

consideration.

Comment [WU36]:
Comment L16- Specific #2; language offered.

Comment [WU37]: Comment L6-6 Comment L18-10.

Comment [WU38]: Comment L15-18; Formatting

Comment [WU39]: Comment L6-6 Comment L18-10

(1) A representative sample of each type of proposed standard operating practice(s) shall be flagged in the field by the RPF, or Supervised Designee, and available for field review by the interdisciplinary review team.

(2) For locations where the prescribed standard operating practice(s) will not adequately address the site specific conditions, the RPF, through consultation with the multi-disciplinary review team, may develop alternative mitigations that shall be incorporated into the WFMP through a deviation prior to submittal of a Working Forest Harvest Notice for the area in which the developed mitigation measure(s) applies to is located.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4562.5, 4562.7, 4597.2 and 21000(g), Public Resources Code.

## 1094.7 Working Forest Harvest Notice

The Designated Agent shall file a Working Forest Harvest Notice with the Department in writing. A Working Forest Harvest Notice shall be filed prior to the harvesting of any timber and shall be effective for a maximum of one (1) year from the date of filing. The Designated Agent shall notify the timberland owner(s) by certified mail that the Working Forest Harvest Notice has been submitted and shall certify that mailing to the Department. Notwithstanding any other provisions of this article, when a RPF certifies by written declaration, on behalf of the timber owner(s) or operator(s), that the Working Forest Harvest Notice conforms to and meets the requirements of the approved WFMP under which it is filed, timber operations may commence immediately upon filing of a Working Forest Harvest Notice. If the Working Forest Harvest Notice has been filed by mailing, operations may commence three days after the Working Forest Harvest Notice has been mailed.

2 Reference: Sections 4597.11 and 4597.15, Public Resources Code. 3 1094.8 Working Forest Harvest Notice Content 4 5 The Working Forest Harvest Notice shall be a public record, including Department posting on a 6 publically available internet database. All necessary deviations shall be approved by the 7 Director prior to submission of a Working Forest Harvest Notice. The Working Forest Harvest 8 Notice shall include all of the following information: (a) Name, address, and telephone number of the timberland owner(s) and Designated Agent. 9 10 (b) Name, address, and telephone number of the timber owner(s) (if different). (c) Name, address, telephone number and license number of the licensed timber operator(s) 11 conducting operations pursuant to the Working Forest Harvest Notice. 12 13 (d) Name, address, telephone number and registration number of the RPF preparing the Working Forest Harvest Notice and the name, address, and registration number of the RPF 14 responsible pursuant to 14 CCR § 1094.11 if different. 15 (e) A legal description of the land, including acreage, on which the work is proposed to be done 16 including the identification number of the WFMP. 17 18 (f) A statement that no archaeological sites have been discovered in the harvest area since the 19 approval of the WFMP. 20 (g) A statement that state or federally listed threatened, candidate, and endangered species; 21 rare plants; Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d), have not been discovered, or are publically known, within and 22 23 adjacent to the logging area, since the approval of the WFMP, unless the approved WFMP is

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.

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### Comment [WU40]:

Comment L15-19; include silvicultural in notice. Comment L9-42

## Comment [WU41]:

Comment L15-20

### Comment [TB42]:

Comment L9-37 Comment L9-30 Comment L10-21

amended pursuant to either 14 CCR § 1094.23 or 14 CCR § 1094.24, consistent with 14 CCR §

1094.8(g)(2). After the initial year the plan is approved, prior to submitting the Working Forest

Harvest Notice, a review shall be conducted of the California Natural Diversity Database or another public database approved by the Director after consultation with the Department of Fish and Wildlife for any species listed as state or federally listed threatened, candidate, and endangered species; rare plants; Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d). When a Working Forest Harvest Notice is filed, and after the initial year the plan is approved, it shall comply with the following:

(1) Documented occurrences obtained from a review of public and readily available sources of species that are state or federally listed threatened, candidate, and endangered species; rare plants; Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d) within the biological assessment area, and outside the area of timber operations, identified in the Working Forest Harvest Notice, and not addressed in the approved plan shall be submitted to the Director as a minor deviation concurrently with the filing of a Working Forest Harvest Notice.

(2) Documented occurrences of species that are state or federally listed threatened, candidate, and endangered species; rare plants; Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d) and discovered inside or adjacent to the area of timber operations, identified in the Working Forest Harvest Notice, and not addressed in the approved plan shall be submitted to the Director as an deviation to the WFMP, prior to filing a Working Forest Harvest Notice. The deviation shall contain take avoidance and other mitigation measures developed in consultation with the Department and the appropriate listing agency(s), if no such information is currently contained within the approved plan or incidental take authorization is provided by the appropriate listing agency(s). (h) A statement that, based on a field evaluation, there are no physical environmental changes in the Working Forest Harvest Notice area that are so significant as to require any deviation of the WFMP.

1	(i) A certification by the RPF that states either of the following:
2	(1) The Working Forest Harvest Notice as carried out will protect the beneficial uses of
3	water, including domestic water supplies, soil stability, forest productivity, and wildlife as
4	provided by the Board rules and regulations and other applicable provisions of law.
5	(2) Compliance with the Board rules and regulations and the provisions of this article that
6	were in effect at the time the WFMP was approved will not result in any significant degradation
7	to the beneficial uses of water, including domestic water supplies, soil stability, forest
8	productivity, or wildlife and shall protect all listed species. This paragraph shall only apply if the
9	RPF certifies that adherence to the current or modified Board rules and regulations would cause
10	unreasonable additional expense to the Working Forest Landowner(s).
11	(j) Special provisions to protect unique areas, if any, within the area of timber operations.
12	(k) The expected dates of commencement and completion of timber operations during the year.
13	(I) A statement that the Working Forest Harvest Notice conforms to the provisions of the
14	approved WFMP. If any aspects of the proposed operation are less protective than the current
15	forest practices rules, an explanation of the deviation and how resource values will be
16	adequately protected.
17	(m) An updated erosion control implementation plan that reflects erosion control mitigation
18	measures for the harvest area and any appurtenant roads if conditions have changed since the
19	WFMP was approved and a certification from the RPF that no additional listings of water bodies
20	to Section 303(d) of the Clean Water Act (33 U.S.C. Sec. 1313(d)) list have occurred on the
21	lands of the plan.
22	(n) The type of equipment to be used for yarding or road construction.
23	(o) Instructions on felling, yarding, road construction or reconstructions, hauling, erosion control
24	work, site preparation, erosion control maintenance, winter operations, watercourse protection
25	measures, slash treatment and road maintenance.

Comment [TB43]: Comment L9-11

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1	(p) A verification that the LTO has been briefed by the RPF on the content of the notice and
2	intentions of implementation to comply with the management plan.
3	(q) A description of Lakes, Wet Meadows and Other Wet Areas.
4	(r) Description of the standard operating practice(s) to be implemented within the area covered
5	under the Working Forest Harvest Notice.
6	(s) On a USGS quadrangle or equivalent map, of a scale not less than 2" to the mile, the
7	following information pertinent to the Working Forest Harvest Notice shall be clearly provided.
8	Additional maps may be required to show specific details, and may be planimetric. Color coding
9	on maps shall not be used unless additional black and white maps are provided to clearly show
LO	the same features. A legend shall be included indicating the meaning of the symbols used. See
1	the district rules for the appropriate minimum mapping acreages. Maps shall be updated to
12	reflect current field conditions.
L3	(1) Boundaries of area(s) where timber operations are to occur under the Working Forest
L4	Harvest Notice.
15	(2) Boundaries of area(s) for specified regeneration methods, intermediate treatments,
16	special harvesting methods, and alternative prescriptions that are to be applied.
L <b>7</b>	(3) Boundaries of area(s) for specified yarding (logging) systems, if more than one (1)
L8	system is to be used.
L9	(4) Location of public roads within the Working Forest Harvest Notice area, and private
20	roads appurtenant to the timber operations where such roads are under the ownership or
21	control of the timberland owner(s), and are contiguous with the Working Forest Harvest Notice
22	area. The current classification of proposed and existing logging roads as permanent,
23	seasonal, or temporary roads shall be included.
24	(5) Location of proposed and existing landings in the watercourse and lake protection

Comment [WU44]: Comment L16- Specific 12; language offered. Similar to Specific 4

Comment [WU45]:
Comment L16-Specific 13; language offered. Similar to Specific 5

zone, and landings outside the zone that are greater than 1/4 acre in size or whose construction

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1	involves substantial excavation.
2	(6) Location of road failures on existing roads to be reconstructed.
3	(7) Location of all existing and proposed watercourse crossings on logging and tractor
4	roads; if a permanent culvert is involved, its minimum diameter shall be provided.
5	(8) Designate areas of low, moderate, high or extreme erosion hazard rating, if more
6	than one (1) exists.
7	(9) Location of lakes and watercourse(s) with Class I, II, III or IV waters; and Wet
8	Meadows and Other Wet Areas when operations are proposed pursuant to 14 CCR § 916.3(c).
9	(10) Location of known unstable areas or slides.
10	(11) Location of unique areas.
11	(12) Location(s) of standard operating practice(s) to be implemented within the area
12	covered under the Working Forest Harvest Notice.
13	(t) The Department shall make available a copy of the California Forest Practice Rules, or
14	portions thereof, that apply to each filed Working Forest Harvest Notice.
15	
16	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
17	Reference: Section 4597.11, Public Resources Code.
18	
19	1094.9 WFMP Professional Judgment
20	Where the rules or these regulations provide for the exercise of professional judgment by the
21	RPF or the Director, if there is a disagreement and if requested by either party, they shall confer
22	on the WFMP area during the WFMP review inspection and reach agreement, if possible, on the
23	conditions and standards to be included in the plan.
24	

Comment [WU46]:
Comment L16-Specific 14; language offered. Similar to Specific 6

Comment [WU47]:
Comment L16 - Specific 15 - 19; language offered for a new subparagraphs (13) – (17).

1	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
2	Reference: Section 4597.20, Public Resources Code.
3	
4	1094.10 Plan Submitter(s) Responsibility
5	The plan submitter(s), or successor in interest, shall:
6	(a) Ensure that a RPF conducts any activities which require a RPF.
7	(b) Provide the RPF preparing the plan or deviations with complete and correct information
8	regarding pertinent legal rights to, interests in, and responsibilities for land, timber, and access
9	as these affect the planning and conduct of timber operations.
10	(c) File with the Director a minor deviation dentifying a Designated Agent that represents the
11	plan submitter(s) at least five (5) days prior to filing the first Working Forest Notice.
12	(d) File with the Director a minor deviation identifying a change in the Designated Agent:
13	(1) Within five (5) days if active timber operations are occurring.
14	(2) Within thirty (30) days if no active timber operations are occurring.
15	(e) Sign the WFMP certifying knowledge of the plan contents and the requirements of this
16	section.
17	(f) Within five (5) working days of change in RPF responsibilities for WFMP implementation or
18	substitution of another RPF, file with the Director a minor deviation which states the RPF's name
19	and registration number, address, and subsequent responsibilities for any RPF required field
20	work, preparation of deviations, or operation supervision.
21	(g) Provide a copy of the approved WFMP and Working Forest Harvest Notice to the LTO.
22	(h) Notify the Director prior to commencement of site preparation operations. Receipt of a
23	burning permit is sufficient notice.
24	(i) Provide the RPF preparing the Working Forest Harvest Notice and the LTO each a copy of
25	the current WFMP and subsequent deviation(s).

Comment [WU48]: Comment L6-5 Comment L18-9

Comment [WU49]: Comment L15-21; insert "Harvest"

(j) Provide any change(s) in LTO responsibilities to the Director in writing. 1 2 (k) Provide the RPF preparing the Working Forest Harvest Notice and LTO(s) each a copy of 3 the current Lake or Streambed Alteration Agreement, as appropriate, pursuant to Section 1600 et seq. of the Fish and Game Code that covers activities subject to this jurisdiction of activities 4 5 covered under the Working Forest Harvest Notice. 6 7 Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. 8 Reference: Sections 753, 4597.2, 4597.7 and 4597.11, Public Resources Code. 9 1094.11 Registered Professional Forester Responsibility 10 (a) Upon submission of a WFMP, the RPF who prepares and signs a plan is responsible for the 11 accuracy and completeness of its contents. 12 13 (b) The RPF preparing the plan shall: (1) Inform the Director and landowner(s) by phone or letter if he or she will be attending 14 15 the review inspection; and (2) Provide the landowner(s) a copy of the Board rules and regulations in effect on the 16 date of WFMP approval. 17 (c) The RPF preparing the Notice of Preparation shall list or describe in the Notice of 18 19 Preparation any work which will be performed by the RPF or the RPF's Supervised Designee. This may include, but is not limited to, field work in identifying watercourse and lake protection 20 21 zones or special treatment areas, marking trees, or other activities. The RPF is only responsible for the activities required of the RPF by the Board rules and regulations and those activities for 22 23 which he or she is employed. 24 (d) The RPF preparing the Notice of Preparation shall, in writing, inform the plan submitter(s) and Designated Agent of their responsibility pursuant to 14 CCR § 1094.10, for compliance with 25

Comment [WU50]:

CommentL15-22; language offered

Comment [WU51]:

Comment L6-13 Comment L18-17

Comment [WU52]:

Comment L6-12 Comment L 18-16.

1	the requirements of the Act and, where applicable, Board rules and regulations regarding site
2	preparation, stocking, and maintenance of roads, landings, and erosion control facilities.
3	(e)The RPF who prepares the WFMP or prepares the Working Forest Harvest Notice, or any
4	other RPF who is employed by the owner(s) or operator(s), shall report to the owner or operator
5	if there are deviations from the WFMP that, in the RPF's judgment, threaten the attainment of
6	the resources conservation standards of the WFMP.
7	(f) A RPF(s) retained by the plan submitter(s) to provide professional forestry advice throughout
8	the timber operations shall be present, or ensure that the RPF's Supervised Designee is
9	present, on the logging area at a sufficient frequency to know the progress of operations and
10	advise the LTO(s) and timberland owner(s), but not less than once during the life of the
11	operations conducted under a Working Forest Harvest Notice(s).
12	(g) The RPF shall without delay notify, in writing, the LTO(s), the plan submitter(s), and the
13	Department of a decision to withdraw professional services from the plan.
14	
15	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
16	Reference: Sections 752, 753, 4597.2, 4597.7, 4597.11, 4597.13 and 4597.14, Public
17	Resources Code.
18	
19	1094.12 Interaction Between RPF and LTO on Working Forest Harvest Notice
20	(a) From the start of the Working Forest Harvest Notice preparation, but before commencement
21	of operations, the responsible RPF shall meet with either the LTO, or Supervised Designee,
22	who will be on the ground and directly responsible for the harvesting operation. The meeting
23	shall be on site if requested by either the RPF or LTO. If any deviation is incorporated into the
24	Working Forest Harvest Notice by a RPF after the first meeting, that RPF or Supervised
25	Designee shall comply with the intent of this section by explaining relevant changes to the LTO;

Comment [WU53]: Comment L15-23; language offered.

1	if requested by either the RPF or LTO, another on-site meeting shall take place. Written
2	documentation of LTO/RPF meetings required under this provision shall be submitted to the
3	Department. The intent of any such meeting is to assure that the LTO:
4	(1) Is advised of any sensitive on-site conditions requiring special care during
5	operations.
6	(2) Is advised regarding the intent and applicable provisions of the approved Working
7	Forest Harvest Notice including deviations.
8	
9	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
10	Reference: Sections 4597.11 and 4597.13, Public Resources Code.
11	
12	1094.13 Licensed Timber Operator Responsibilities
13	Each Licensed Timber Operator shall:
14	(a) Inform the responsible RPF and plan submitter(s), either in writing or orally, of any site
15	conditions which in the LTO's opinion prevent implementation of the Working Forest Harvest
16	Notice.
17	(b) Keep a copy of the applicable approved Working Forest Harvest Notice and deviations
18	available for reference at the site of active timber operations.
19	(c) Comply with all provisions of the Act, Board rules and regulations, the applicable Working
20	Forest Harvest Notice and any approved deviations.
21	
22	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
23	Reference: Sections 4528.5 and 4571, Public Resources Code.
24	

1	1094.14 Notification of Commencement of Operations
2	For each Working Forest Harvest Notice submitted, within fifteen (15) days before, and not later
3	than the day of the start of timber operations, the Designated Agent, shall notify the Department
4	of the start of timber operations. The notification, by telephone or by mail, shall be directed to
5	the appropriate CAL FIRE Unit Headquarters, Forest Practice Inspector, or other designated
6	personnel.
7	
8	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
9	Reference: Section 4597.15, Public Resources Code.
10	
11	1094.15 Notice of WFMP Filing
12	(a) The Director shall prepare a notice of filing which shall contain the basic information
13	contained in the Notice of Preparation pursuant to 14 CCR § 1094.3, plus the assigned WFMP
14	number.
15	(b) Within two (2) working days of the date the plan is filed, the Director shall transmit copies of
16	the Notice of Filing to:
17	(1) The person submitting the plan.
18	(2) The office of the County Clerk of the county(s) in which the operations are proposed.
19	The Notice of Filing shall be posted at the normal place for posting environmental notices.
20	(3) The local CAL FIRE Unit headquarters for posting.
21	(4) At such other locations as the Director may deem desirable and feasible to provide
22	adequate public notice.
23	(5) All public agencies having custodial responsibility for lands within 300 ft. of the
24	WFMP boundary.
25	(6) A publically available internet database.

Comment [WU54]: Comment L6-7 Comment L18-11

1	(7) To any person who requests notifications in writing.
2	(c) Notice of Filing may be transmitted through internet based email.
3	
4	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
5	Reference: Sections 4597.3 and 4597.4, Public Resources Code.
6	
7	1094.16 Agency and Public Review for the WFMP
8	(a) Upon receipt of the proposed WFMP, the Department shall place the proposed plan, or a
9	true copy of the proposed plan, in a location available for public inspection in the county in
10	which timber operations are proposed under the plan or on a publically available internet
11	database. For the purpose of interdisciplinary review, the Department shall also transmit a copy
12	to the Department of Conservation, the Department of Fish and Wildlife, the appropriate
13	California Regional Water Quality Control Board, the county planning agency, and all other
14	agencies having jurisdiction by law over natural resources affected by the plan. The Department
15	shall invite, consider, and respond in writing to comments received from public agencies to
16	which the plan has been transmitted and shall consult with those agencies at their request.
17	(b) The Director shall also transmit a copy of any specific plan to any person who has made a
18	written request therefore.
19	(c) The Department shall bill such persons for the cost of providing such copies and such
20	monies shall be paid to the Department.
21	(d) The Director shall take the following steps when significant new information, as defined in 14
22	CCR § 895.1, is added to the plan during the course of plan review or during the Director's
23	Determination period.
24	(1) When significant changes are limited to a few sections or portions of the plan, the
25	Department need only recirculate the sections or portions that have been modified.

1	(2) When significant changes are not limited to a few sections of the plan, the
2	Department shall recirculate the entire plan.
3	(3) The Department shall prepare a Letter of Recirculation which shall include:
4	(A) A brief description of the proposed project and its location. Such information
5	shall include:
6	1. The Plan number and county(s).
7	2. The names of the timberland owner(s) and the plan submitter(s).
8	3. The location of the plan area by county, section, township, and range.
9	4. The name of the nearest major watercourse or CALWATER v2.2 ID.
10	5. The acres proposed to be harvested.
11	6. The silvicultural systems to be used.
12	(B) A summary of changes made to the plan and a brief description of significant
13	new information contained in the plan.
14	(C) Clarification as to whether the entire plan or only those recirculated portions
15	of the plan, are open for public comment.
16	(D) The starting and ending dates for the review period during which public
17	comments will be received.
18	(E) The date, time, and place of any scheduled public meetings when known by
19	the lead agency at the time of notice.
20	(F) The address where copies of the plan record is available for public review.
21	(4) The Letter of Recirculation shall be sent to all review team members; any agency,
22	person, or organization that commented on the plan; and all landowners who received a Notice
23	of Intent (or Preparation).
24	(5) The Department need only respond to:
25	(A) Comments received during the initial circulation period that relate to sections

1	or portions of the plan that were not revised and recirculated, and
2	(B) Comments received during the recirculation period that relate to the sections
3	or portions of the plan that were revised and recirculated.
4	(6) The Department shall include with the Notice of Filing, a Notice of Recirculation
5	pursuant to 14 CCR § 1032.9.
6	
7	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
8	Reference: Sections 4597.3, 4597.5 and 4597.6, Public Resources Code and Joy Road Area
9	Forest and Watershed Association v. California Department of Forestry & Fire Protection,
10	Sonoma County Superior Court No. SCV 229850.
11	
12	1094.17 Director's Determination
13	(a)The Department shall provide a minimum time period for public comment, starting from the
14	date of the receipt of a WFMP, as follows:
15	(1) Ninety (90) days for a WFMP for less than 5,000 acres.
16	(2) One hundred ten (110) days for a WFMP for between 5,000 and less than 10,000
17	acres.
18	(3) One hundred thirty days (130) for a WFMP for between 10,000 and 15,000 acres.
19	(b) Before a WFMP may be approved, all of the following requirements shall be met:
20	(1) Within thirty (30) working days of the receipt of a WFMP, or within forty (40) working
21	days of the receipt of a plan to which a road management plan pursuant to 14 CCR § 1093 is
22	appended, the Department shall determine if the plan is accurate, complete, and in proper
23	order, and if so, the plan shall be filed. An unfiled plan shall be returned to the plan submitter(s)
24	with an explanation that includes provisions for resubmitting the plan.
25	(2) The initial inspection shall be initiated within twenty (20) working days from the date

Comment [WU55]: Comment L10-16

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(3) Upon completion of the initial inspection, the Department shall have up to forty five 5) working days to conduct the final interagency review of the plan.

(4) The public comment period shall end twenty (20) working days after the completion the final interagency review of the plan or until the requirement in subsection (a) is met, nichever is greater.

(5) After the final interagency review and public comment period has ended, the epartment shall have up to thirty (30) working days to review the public input, to consider commendations and mitigation measures of other agencies, to respond in writing to the issues ised, and to determine if the plan is in conformance with the applicable Board rules and gulations and other applicable provisions of law. If after final interagency review the Director determines that the plan is not in conformance th the Board rules and regulations or this article, the Director shall deny and return the plan, ating the reasons for the denial and advising the plan submitter of the person's right to a earing before the Board. ) If the Director does not act within the time periods provided in 14 CCR § 1094.17(b), the rector and the Working Forest Landowner(s) submitting the WFMP shall negotiate and utually agree upon a longer period for the Director to review the plan. If a longer period cannot mutually agreed upon, the WFMP shall be deemed denied and returned to the Working prest Landowner(s) submitting the plan.

23

24

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(1) A Working forest landowner(s) to whom a plan is denied pursuant to 14 CCR §§ 1094.17(c) or 1094.17(d) may request, within thirty (30) working days from the receipt of the plan, a public hearing before the Board. The Board shall schedule a public hearing to review the Comment [WU56]: Comment L6-4

2 <u>article</u>

plan to determine if the plan is in conformance with the Board rules and regulations and this article.

(2) Board action shall take place within thirty (30) working days from the filing of the appeal, or a longer period mutually agreed upon by the Board and the person filing the appeal.

(3) If the Director's decision to deny the plan is overturned by the Board, the Board shall prepare findings and its rationale for overturning the decision, and return the plan to the Department for approval by the Director.

(4) If the plan is not approved on appeal to the Board, the Director, within ten (10) working days of Board action, shall advise the plan submitter(s) regarding changes needed that would achieve compliance with this article and other applicable provisions of the law. The plan submitter(s) shall have forty five (45) working days from the date of the notification letter, or longer, if mutually agreeable to the Department and the plan submitter(s) to revise the plan to bring it into full conformance with the Board rules and regulations and this article. Upon receipt of the information requested of the plan submitter(s), the Department shall recirculate the plan and reopen the public comment period for thirty (30) working days. Prior to determining whether to approve the proposed revised plan, the Director shall have thirty (30) working days to review public input and consider recommendations and mitigation measures of other agencies, and to respond in writing to issues raised.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.

Reference: Section 4597.6, Public Resources Code.

1	1094.18 Review Teams to be Established to Review WFMP
2	Interdisciplinary review teams shall be established by the Director to review plans and assist the
3	Director in the evaluation of proposed WFMP(s) and its impacts on the environment. The
4	Review Team composition, function, tasks and procedures shall be the same as those
5	described in 14 CCR § 1037.5.
6	
7	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
8	Reference: Sections 4597, 4597.5, 4597.6, 4597.7 and 4597.12, Public Resources Code.
9	
10	1094.19 Nonconformance of WFMP
11	If the Director determines that a plan is not in conformance with the Board rules and regulations,
12	the plan shall be returned in accordance with 14 CCR § 1054. In addition, the Director shall
13	state any changes and reasonable conditions that in the Director's professional judgment are
14	needed to bring the plan into conformance with the applicable Board rules and regulations and
15	offer to confer with the RPF in order to reach agreement on the conditions necessary to bring
16	the plan into conformance.
17	
18	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
19	Reference: Section 4597.6, Public Resources Code.
20	
21	1094.20 Conformance of WFMP
22	If the Director determines that the plan is in conformance with Board rules and regulations, then
23	the person submitting the plan shall be notified timber operations thereunder may only
24	commence after submission of a Working Forest Harvest Notice as prescribed in 14 CCR §
25	1094.7.

1	
2	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
3	Reference: Section 4597.6, Public Resources Code.
4	
5	1094.21 Notice of Conformance of the WFMP
6	Within ten (10) working days of the date a plan is found in conformance, the Director shall
7	transmit a notice thereof to the agencies and persons referred to in 14 CCR § 1094.16 and for
8	posting at the places named in 14 CCR § 1094.15. A copy of the notice shall be filed with the
9	Secretary of Resources. The Notice of Conformance shall include a written response of the
10	Director to significant environmental points raised during the evaluation process.
11	
12	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
13	Reference: Sections 4597.3 and 4597.6, Public Resources Code.
14	
15	1094.22 Public Inspection
16	Notices of Conformance, pursuant to 14 CCR § 1094.21 and notices of approval by the Board,
17	pursuant to 14 CCR § 1054, shall be available for public inspection, and a list of such notices
18	shall be posted on a weekly basis in the Office of the Resources Agency. Each such list shall
19	remain posted for a period of thirty (30) days.
20	
21	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
22	Reference: Sections 4597.3 and 4597.6, Public Resources Code.
23	
24	

## 1094.23 Substantial Deviations

(a) The Designated Agent may submit a proposed deviation, as prepared by the RPF, to the approved plan. No action shall occur that substantially deviates, as defined by the Board, from the approved plan until the substantial deviation has been approved by the Director. The Director shall determine, after completion of the interagency review and public comment period, either of the following:

(1) The substantial deviation is in compliance with the current Board rules and regulations and provisions in this article.

(2) The substantial deviation is in compliance with the Board rules and regulations and provisions in this article that were in effect at the time the WFMP was approved. The Director may only make this determination if a RPF explains, justifies, and certifies both of the following:

(A) The adherence to new or modified Board rules and regulations would cause unreasonable additional expense to the Working Forest Landowner(s).

(B) Compliance with the Board rules and regulations and provisions in this article that were in effect at the time the WFMP was approved will not result in any significant degradation to the beneficial uses of water, soil stability, forest productivity, or wildlife.

(b) Review timelines for substantial deviations of WFMPs shall conform to the direction provided in PRC § 4582.7, except for substantial deviations that add acreage covered by the original WFMP that exceeds ten (10) percent or five hundred (500) acres, whichever is greater.

Substantial deviations that add acreage in excess of ten (10) percent or five hundred (500) acres shall be reviewed pursuant to the procedures specified in PRC § 4597.6.

(c) Changes are presumed to be substantial deviations if they could have a significant affect on the conduct of timber operations and potentially could have a significant adverse effect on timber productivity or values relating to soil, water quality, watershed, wildlife, fisheries, range and forage, recreation, and aesthetic enjoyment. Such actions may include, but are not limited

1	<u>to:</u>
2	(1) Change in location of timber harvesting operations or enlargement of the area or
3	volume planned to be cut.
4	(2) Change in the silvicultural method and cutting system on any portion of the plan area.
5	(3) Change in type or location of logging (yarding) system or basic type of equipment.
6	(4) Change in location, nature or increase in length of proposed logging roads
7	incorporating one or more of the following criteria:
8	(A) Any road in a Watercourse or Lake Protection Zone or where sidecast will
9	extend into the Watercourse or Lake Protection Zone.
10	(B) Any <mark>road</mark> located in an extreme Erosion Hazard Rating area.
11	(C) Any road where the average side slope exceeds fifty (50)%.
12	(D) Any road where unstable areas, active soil movement, or slide areas must be
13	traversed.
14	(E) Any increase in gradient allowed by the District Rules as an exception and
15	not provided for in the original plan.
16	(F) Any road extension of more than six hundred (600) ft. (182.9m).
17	(5) Any use of existing <mark>roads</mark> not shown in the original plan when reconstruction work to
18	allow for vehicle travel will be substantial. Substantial work on an existing road means more
19	than minor repair and dressing of the travel surface and removal of vegetation to allow for
20	vehicle passage.
21	(6) Use of any roads not shown in the plan which would affect the key habitat, not
22	previously discussed in the plan, of state or federally listed threatened, candidate, and
23	endangered species; rare plants; Sensitive Species pursuant to 14 CCR § 895.1; and species
24	that meet the criteria under 14 CCR § 15380(d).
25	(7) Enlargement of landings where such enlargement was not justified in the plan.

Comment [WU57]:
Comment L15-24; language offered.
Also see Comment L9-43.

Comment [WU58]: Comment L6-6; Comment L18-10.

1	(8) Any change of operation within, or designation of, Watercourse or Lake Protection
2	Zones.
3	(9) Any downgrading of watercourse classification.
4	(10) A change to winter operations where summer operations were previously specified.
5	(11) Changes to the erosion control implementation plan as a result of operations to
6	implement the provisions of the approved erosion control implementation plan shall not be
7	considered a substantial deviation.
8	
9	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
10	Reference: Sections 4582.7, 4597.6, 4597.7 and 4597.8, Public Resources Code.
11	
12	1094.24 Report of Minor Deviations
13	(a) "Minor deviations" means any change, minor in scope, in a plan which can reasonably be
14	presumed not to make a significant change in the conduct of timber operations and which can
15	reasonably be expected not to significantly adversely affect timberland productivity or values
16	relating to soil, water quality, watershed, wildlife, fisheries, range and forage, recreation, and
17	aesthetic enjoyment or to result in a violation of the applicable water quality control plan.
18	(b) Minor deviations may be undertaken by the person who submitted the WFMP or Working
19	Forest Harvest Notice without submission of a minor deviation to the plan and shall be reported
20	immediately in writing to the Director. Actions described in 14 CCR § 1094.23 which are
21	normally presumed to be substantial deviations may, in a given instance, be a minor deviation.
22	Actions listed as substantial deviations in 14 CCR § 1094.23, but considered to be minor
23	deviation by the submitter(s), may be undertaken only if the person who submitted the plan
24	submits the proposed deviation in writing to the Director for review and receives approval.

Comment [WU59]: Comment L15-25; language offered.

Approval shall be given if the Director determines that the proposed minor deviation conforms to

1	the standards provided in 14 CCR § 1094.24(a). The Director shall have live (5) working days to
2	act on the application. If the Director or the representative of the Director does not act within five
3	(5) working days of receipt of such a deviation, timber operations may commence pursuant to
4	such minor deviation.
5	(c) Newly adopted Board rules or regulations may be incorporated into an approved WFMP
6	through a minor deviation.
7	
8	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
9	Reference: Sections 4597.8 and 4597.11, Public Resources Code.
LO	
11	1094.25 Report of Completion of Work Described in WFMP; Partial Completion Report
12	(a) Within one (1) month after completion of the work described in the Working Forest Harvest
L3	Notice, excluding work for stocking, site preparation, or maintenance of drainage facilities and
L4	soil stabilization treatments on skid trails, <mark>roads</mark> , and landings after the plan period, a report
15	shall be filed by the timber owner(s) or the Designated Agent with the Department that all work,
16	except stocking, site preparation, or maintenance of drainage facilities and soil stabilization
L <b>7</b>	treatments, has been completed.
18	(b) If all of the work described in the plan has not been completed, a report may be filed
19	annually with respect to a portion of the area covered by the plan which has been completed.
20	The portion completed shall be adequately identified on a map submitted with the report.
21	
22	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
23	Reference: Section 4585, Public Resources Code.
24	

1	1094.26 Inspection of Completed Work
2	Within six (6) months of the receipt of the work completion report specified in 14 CCR §
3	1094.25, the Director shall determine, by inspection, whether the work described in the report
4	has been properly completed in conformity with the Board rules and regulations and the
5	provisions in this article. If the work has been so completed, the Director shall issue a report of
6	satisfactory completion of the work. If not, the Director shall take such corrective action as the
7	Director determines to be appropriate in accordance with Article 8 (commencing with PRC §
8	<u>4601).</u>
9	
10	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
11	Reference: Sections 4586 and 4601, Public Resources Code.
12	
13	1094.27 Stocking Report and Minimum Stocking Standards
14	(a) Within five (5) years after the completion of timber operations or as otherwise specified in the
15	rules, a report of stocking on the entire area logged under a Working Forest Harvest Notice and
16	shown on a revised map shall be filed with the Director by the timber owner(s) or the
17	Designated Agent. If stocking is required to be met upon completion of timber operations the
18	stocking report shall be submitted within six (6) months of the completion of operations. The
19	minimum acceptable stocking standards on logged areas which were acceptably stocked prior
20	to harvest are those specified in the Coast, Northern, and Southern Forest District rules. If not
21	otherwise specified, the following minimum standards apply:
22	(1) On Site I timberlands as defined by the Board, the average residual basal area,
23	measured in stems one inch or larger in diameter shall be at least 85 square feet per acre; or on
24	Site II or lower shall be at least 50 sq. ft. per acre; or
25	(2) The area contains an average point count of 300 per acre on Site I, II, and III lands

1	or 150 on Site IV and V lands as specified in PRC § 4561. See 14 CCR §§ 912.7, 932.7 and
2	952.7 for information for the point count values of various size trees and for determining how
3	sprouts will be counted toward meeting stocking requirements.
4	
5	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
6	Reference: Sections 4561, 4561.1 and 4587, Public Resources Code.
7	
8	1094.28 Inspection of Stocking
9	Within six (6) months of the receipt of the stocking report, the Director shall determine, by
10	inspection, whether the stocking has been properly completed. If so, the Director shall issue a
11	report of satisfactory completion of stocking. If not, the Director shall take such corrective action
12	as the Director deems appropriate in accordance with the provisions of Article 8 (commencing
13	with PRC § 4601).
14	
15	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
16	Reference: Sections 4588 and 4601, Public Resources Code.
17	
18	1094.29 Five (5) Year Review of WFMP
19	(a) The Department shall publish a public notice, that the five (5) year review of the WFMP shall
20	commence at least thirty (30) days prior to each five (5) year anniversary date of the WFMP
21	approval. The published notice shall indicate that public comment on the five (5) year review
22	shall be accepted during the thirty (30) day period. The public may submit to the review team
23	additional information relevant to the purpose of the five (5) year review and the review team
24	may consider this information when conducting its review. The Director shall distribute copies of
25	the five (5) year review public notice to:

Comment [WU60]: Comment L6-1, language offered Comment L18- 1 & 2.

1	(1) The Office of the County Clerk of the county(s) in which the approved WFMP resides;
2	(2) The local CAL FIRE Unit headquarters for posting:
3	(3) At such other locations as the Director may deem desirable and feasible to provide
4	adequate public notice:
5	(4) An publically available internet database.
6	(b)The Director shall prepare a five (5) year summary and convene a meeting with the
7	interdisciplinary review team, pursuant to 14 CCR § 1037.5, within thirty (30) days of each five
8	(5) year anniversary of a WFMP approval to review the plan's administrative record, information
9	obtained pursuant to 14 CCR § 1094.29(c), and any other information relevant to verify that
10	completed or current operation(s) have been conducted in accordance with the plan and
11	applicable laws and regulations. The Department shall provide the public, in writing or on a
12	publically available internet database, a copy of the plan summary. Participation by review team
13	agencies shall be at the discretion of each agency. If at this meeting a member of the review
14	team determines that a field inspection is necessary to verify that operations have been
15	conducted in accordance with the plan and applicable laws and regulations, then a field
16	inspection may be conducted within sixty (60) days of each five (5) year anniversary date of
17	WFMP approval.
18	(c) For the purposes of 14 CCR § 1094.29(b), each five (5) year review shall allow the review
19	team to analyze information including the number of Working Forest Harvest Notices, the
20	acreage operated under each Working Forest Harvest Notice, the violations received, the
21	volume harvested in relation to projections of harvest in the WFMP and to determine if
22	operations under Working Forest Harvest Notice(s) were conducted in compliance with the
23	content and procedures in the WFMP. The review team shall also analyze any significant
24	episodic events occurring during the previous five (5) years including disease and drought
25	caused tree mortality, windthrow, wildfire and landslides. If the Department or a review team

agency does not have direct access to information needed for the five (5) year summary, the 1 2 Department may require the Working Forest Landowner(s) to provide this information. The 3 Department shall notify the Working Forest Landowner(s) of the findings of the five (5) year 4 review. 5 (d) If notices of violation have been issued, or the five (5) year review indicates potentially 6 significant adverse impacts to the environment may occur from continuance of the WFMP, or if 7 the Department is presented with a fair argument that a project may have a significant adverse 8 effect on the environment, the Department shall provide written comments that a review of the 9 WFMP content and procedures may be necessary. The Director shall state any changes and 10 reasonable conditions in the Director's professional judgment that are needed to bring operations into compliance with the applicable Board rules and regulations and offer to confer 11 12 with the Designated Agent in order to reach agreement on the conditions necessary to bring the 13 operations into compliance and to mitigate significant adverse effects on the environment 14 identified during the five (5) year review. Failure to implement the changes or reasonable conditions provided by the Director or developed in conference with the Designated Agent may 15 result in cancellation of the WFMP pursuant to 14 CCR §1094.31(b). 16 (e) This section does not authorize the public disclosure of proprietary information without first 17 obtaining the Working Forest Landowner's consent. Proprietary information shall be treated 18 19 consistent with PRC § 21160. 20 21 Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597.12 and 21160, Public Resources Code. 22 23

Comment [WU62]:

Comment L15- "unnumbered, 25.1"; language offered.

Comment [TB63]: Comment L9-15.

24

	40040001 (77.1.1.1.0.4.)
1	1094.30 Change of Timberland Owner(s)
2	(a) Upon a change of ownership of the land described in the WFMP, the transferring timberland
3	owner(s) shall provide the acquiring timberland owner(s) with a written Transfer of
4	Responsibilities Notice that discloses the existence of the WFMP and informs the acquiring
5	timberland owner(s) of the need to notify the Department of the acquiring timberland owner(s)
6	intent to assume the responsibilities of the WFMP. The transferring timberland owner(s) shall
7	also send the Department a copy of the Transfer of Responsibilities Notice provided to the
8	acquiring timberland owner(s).
9	(b) If the transferring timberland owner(s) fails to provide the Notice required in the 14 CCR §
10	1094.30(a) and the Department discovers the change of ownership, the Department shall
11	provide the acquiring timberland owner(s) with the Transfer of Responsibilities Notice.
12	(c) The acquiring timberland owner(s) shall have one (1) year from the date of receipt of the
13	Transfer of Responsibilities Notice pursuant to either 14 CCR § 1094.30(a) or 14 CCR §
14	1094.30(b), whichever is applicable, to notify the Department in writing of their intent to assume
15	the responsibilities of the WFMP. If the Department does not receive notification within this
16	period, the Department may cancel the WFMP.
17	(d) Upon transfer of ownership, the timberland owner(s) shall identify a Designated Agent
18	pursuant to 14 CCR § 1094.10.
19	(e) A violation of this section by a timberland owner(s) does not constitute a crime pursuant to
20	PRC § 4601.
21	(f) After a plan is found in conformance with the Board rules and regulations, the Director may
22	file a Notice of Stocking Requirements on the property with the recorder of the county within
23	which the plan is located if any area logged under a Working Forest Harvest Notice has not had
24	a report of satisfactory stocking issued by the Director.
25	

1	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
2	Reference: Sections 4597.9 and 4601, Public Resources Code.
3	
4	1094.31 Cancellation of Plans
5	(a)The Working forest landowner(s) may cancel the WFMP by submitting a written notice to the
6	Department. Once timber operations have commenced pursuant to a Working Forest Harvest
7	Notice, cancellation is not effective on land covered by the Working Forest Harvest Notice until
8	a report of satisfactory completion has been issued pursuant to PRC §§ 4585, 4586 and 4587.
9	(b) If the Department determines that the objectives of Unevenaged Management and
10	Sustained Yield are not being met by a Working Forest Landowner(s), or there are other
11	persistent violations detected that are not being corrected, the Department shall cancel a
12	previously approved WFMP and any further timber operations under the plan shall be
13	terminated. In making a determination to cancel a plan, the Department may cite the findings of
14	a review conducted pursuant to PRC § Section 4597.12 and 14 CCR § 1094.29. Cancellation of
15	the plan may be appealed by the plan submitter(s) or landowner(s) the Designated Agent
16	utilizing the process pursuant to PRC § 4597.6(e)(1) and 14 CCR 1094.17(e).
17	
18	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
19	Reference: Sections 4585-4587, 4597.6, 4597.10, 4597.12, 4597.15 and 4597.16, Public
20	Resources Code.
21	
22	1094.32 Transition or Expansion of Plans
23	(a)If a landowner with an approved NTMP with less than 2,500 acres of timberland expands the
24	total timberland ownership to 2,500 or more acres of timberland through acquisition of additional
25	timberland they may transition into a WEMP through a substantial deviation to the NTMP.

Comment [WU64]: Comment L18-8.

1	(1) Operations may continue under an approved NTMP for a period of one (1) year after
2	the sale of the property that would result in exceeding 2,500 acres of timberland, and the
3	landowner notifies the Director in writing of their intent to transition to a WFMP. The Director
4	may grant up to an additional one (1) year of operations under the previously approved NTMP
5	to landowners who demonstrate substantial work has been conducted by a RPF(s) towards
6	transitioning to a WFMP.
7	(2) The lack of demonstration of substantial work being conducted by a RPF toward
8	transitioning to a WFMP shall result in cancellation of the NTMP by the Department.
9	(3) The RPF responsible for preparation of the substantial deviation to transition an
10	approved NTMP to a WFMP shall review the contents of this article including, but not limited to,
11	14 CCR §§ 1094.1 – 1094.3, 1094.6, 1094.10 -1094.12, 1094.23, 1094.24 and 1094.32 to
12	assure that all required information is included and addressed in the proposed substantial
13	deviation prior to submittal to the Director.
14	(b) A Working Forest Landowner with an existing WFMP may expand the acreage of the WFMP
15	pursuant to the process described in 14 CCR § 1094.23.
16	
17	Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.
18	Reference: Section 4597.17, Public Resources Code.
19	
20	1094.33 Safe Harbor Agreement
21	A participating landowner(s), in conjunction with the preparation of an application for a WFMP
22	filed with the Department, may also seek approval of a Safe Harbor Agreement from the
23	Department of Fish and Wildlife, pursuant to Article 3.7 (commencing with Section 2089.2) of
24	Chapter 1.5 of Division 3 of the Fish and Game Code. All review costs associated with the Safe

Comment [WU65]: Comment L15-27; change "and" to "if".

Harbor Agreement approval process incurred by the Department of Fish and Wildlife pursuant to

this section shall be paid from the fund created in PRC § 4629.3. 1 2 Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. 3 4 Reference: Sections 4597.18 and 4629.3, Public Resources Code. 5 1094.34 State Restoration Projects 6 7 Notwithstanding any other law, if a person with a WFMP applies for state restoration grant 8 funding for a restoration project that has a significant public benefit, the application shall not be 9 summarily denied on the basis that the project is a required condition of the harvesting plan. 10 Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. 11 12 Reference: Section 4597.19, Public Resources Code. 13 14 1094.35 Southern Subdistrict This WFMP shall not apply to the Southern Subdistrict of the Coast Forest District, as defined in 15 Section 14 CCR § 895.1. 16 17 Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. 18 19 Reference: Section 4597.22, Public Resources Code. 20

Comment [WU66]: Comment L10-36